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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/742,691	12/19/2003	Eric T. Eaton	CE12487JDP	6220
7590	01/23/2008		EXAMINER	
Scott M. Garrett Motorola, Inc. Law Department 8000 West Sunrise Boulevard Fort Lauderdale, FL 33322			MEHRPOUR, NAGHMEH	
			ART UNIT	PAPER NUMBER
			2617	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/742,691	EATON ET AL.
	Examiner	Art Unit
	Naghmeh Mehrpour	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 October 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. **Claims 1-7, 20-17,** are rejected under 35 U.S.C. 102(e) as being anticipated by Esque et al. (US publication Number 2004/0203622).

Regarding claims 1, 14, Esque teaches a method of operating a mobile communication device/system during an emergency situation, comprising: receiving at the mobile communication device from a communication system an emergency message (0025); transitioning the mobile communication device from a regular mode of operation to an emergency mode of operation in response to receiving the emergency message (0020, 0025-0026); and allowing only a status message while operating in an emergency mode to be transmitted from the

mobile communication device while in the emergency mode of operation (0009-0022).

Regarding claim 2, Esque teaches a method of operating a mobile communication device as defined in claim 1, further comprising alerting a user of the mobile communication device in response to receiving the emergency message (0023).

Regarding claim 3, Esque teaches a method of operating a mobile communication device as defined in claim 2, wherein alerting the user comprises providing a visual alert (0023-0024).

Regarding claim 4, Esque teaches a method of operating a mobile communication device as defined in claim 3, wherein providing a visual alert comprises illuminating a status response button of the mobile communication device (0024, 0028).

Regarding claim 5, Esque teaches a method of operating a mobile communication device as defined in claim 3, wherein providing a visual alert comprises displaying an icon on a display of the mobile communication device (0028).

Regarding claim 6, Esque teaches a method of operating a mobile communication device as defined in claim 2, wherein alerting the user comprises providing an audible alert (0023, 0031)).

Regarding claim 7, Esque teaches a method of operating a mobile communication device as defined in claim 2, wherein alerting the user comprises providing an tactile alert.(0030).

Regarding claim 10, Esque teaches a method of operating a mobile communication device as defined in claim 1, wherein allowing only the status message to be transmitted comprises transmitting the status message in response to actuation of a status response button (0036, 0037).

Regarding claim 11, Esque teaches a method of operating a mobile communication device as defined in claim 1, wherein allowing only the status message to be transmitted comprises transmitting the status message in a short message service message (0021, 0022).

Regarding claim 12, Esque teaches a method of operating a mobile communication device as defined in claim 1, wherein allowing only the status message to be transmitted comprises transmitting the status message to a remote party via the communication system (0035-0038).

Regarding claim 13, Esque teaches a method of operating a mobile communication device as defined in claim 1, wherein allowing only the status message to be transmitted comprises transmitting the status message to a status update server of the communication system (0036-0037).

Regarding claims 15-16, Esque teaches a method of operating a mobile communication device/system during an emergency situation, comprising: broadcasting from a base station of a communication system an emergency message, the emergency message causing non-emergency subscriber devices to operate in an emergency mode where they will only transmit a status message, the base station having been determined to be located in an area affected by an emergency situation; receiving a channel request from a mobile communication device at a base station, the base station having been determined to be in an area affected by the emergency situation (0025); if the channel request indicates the mobile communication device intends to transmit a status message, granting the request, receiving the status message from the mobile communication device is operating in an emergency mode and forwarding the status message to a remote party, if the channel request indicates the mobile communication device is an 'emergency subscriber, granting the request and allowing the emergency subscriber to have normal communication service (0034-0038); and ignoring the channel request if the channel request is not from an emergency subscriber or from a mobile communication device or for transmitting a status message while

operating in an emergency mode (0034-0039).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claim 8**, is rejected under 35 U.S.C. 103(a) as being unpatentable over by Esque et al. (US publication Number 2004/0203622).

Regarding claim 8, Esque fails to mention a method of operating a mobile communication device as defined in claim 2, wherein providing the tactile alert comprises actuating a mechanical vibrator of the mobile communication device. However Examiner takes official notice that mention a method of operating a mobile communication device as defined in claim 2, wherein providing the tactile alert comprises actuating a mechanical vibrator of the mobile communication device is well known in the art. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of with Esque, in order to provide emergency alert that is suppose to be known to the particular user, with out disturbing other people.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over by Esque et al.(US publication Number 200410203622) in view of Raith (US Patent 6,633,754).

Regarding claim 9, Esque fails to teach a method of operating a mobile communication device as defined in claim 1, wherein receiving the emergency message comprises receiving the emergency message in a broadcast control channel transmitted by the communication system. However, Raith teaches a method of operating a mobile communication device as defined in claim 1, wherein receiving the emergency message comprises receiving the emergency message in a broadcast control channel transmitted by the communication system (col 3 lines 61-67, col 4 lines 1-30). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Raith with Esque, in order to modify the retransmission rules to reduce access time.

Response to Arguments

3. Applicant's arguments filed 10/09/07 have been fully considered but they are not persuasive.

In response to the applicant's argument that Esque fails to teach "*a message*

received from the network, and Esque 's emergency mode is not performed in response to receiving an emergency message from network".

Examiner asserts that Esque in the prior art disclose U.S. Pat. No. 5,805,670 to Pons et al. discloses a private notification system that communicates 911 information to pre-selected recipients identified by the user. This information may include location, telephone number, and any other information provided to the emergency systems operator. The system may use wireless, facsimile, and public data networks to transmit emergency information, such as location of emergency, destination hospital, etc., to emergency contacts. In response to a 911 signal, **a command control center notifies predetermined emergency contacts and sends information generated by the 911 communication to the emergency contacts.** This invention is limited to sending a single message to multiple emergency contacts. Further, implementation of this notification system requires modifications to the network.

U.S. Patent Application Publication 2002/0042846 A1 to Bottan et al. discloses a system that notifies multiple contacts of an emergency according to predefined instructions. Upon receiving a predetermined input, a cellular telephone sends an event signal to the wireless network to activate an automatic notification system. This system is applicable to predefined communications as well as emergency communications. **The network send a pre-stored message to various contacts through email, facsimile, telephone, etc. However, implementation of this notification system requires modifications to the wireless network.** In addition Examiner asserts any message from the a

device should go through the network to be received with the other end of the path. The wireless network 100, such as SMS and WAP services, to notify individuals designated by the wireless communication device user of an emergency. As illustrated in FIG. 1, when a wireless communication device 10 receives an emergency input, the wireless communication device 10 automatically transmits notification messages to designated individuals. In addition, the wireless communication device 10 may contact conventional emergency services 116. Each individual may receive a different notification message, which may be delivered through a plurality of different delivery methods, such as voice, e-mail, facsimile, etc. **The emergency notification messages are transported transparently through the wireless network 100 to the final designated recipients. A user dials 911 to communicate an emergency to the emergency response center 116. After completing the 911 call, the wireless communication device 10 also sends predetermined notification messages, designated as messages 1-N in FIG. 1, to predetermined emergency contacts to notify the designated contacts of the emergency.**

The references made herein are done so for the convenience of the applicant. They are in no way meant to limit the reference. The reference MUST be considered in its entirety.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. **The following references supports the Examiner response.**

Binzel et al. (US Publication 2002/0037728 A1) disclose emergency broadcast message in a wireless communication device

Wong et al. (US Publication 2004/0152441) disclose wireless handset emergency location provisiong system (wireless helps)

Sakarya (US Patent 7,248,853 B1) disclose direct communication and localization of mobile end equipment and emergency handling

Straub (US Patent 7,143,900 B1) disclose combined global positng system receiver and radio

Books (US Patent 6,879,819 B2) disclose control and message during emergency calls

Marrah et al. (US Patent 6,728,533) disclose weather band radio and method of tuning same

Yoshioka (US Patent 6,721,553) disclose emergency alarm terminal nad emergency system

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed

within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any responses to this action should be mailed to:

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah be reached (571) 272-7904.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

Jan 18, 2008

